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6 BEFORE THE
7 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8 AS ENFORCEMENT AGENCY FOR (Jurisdiction)
9

10 In the Matter of:) NOTICE AND ORDER (eg corrective action
11) order, cease and desist)
12) NO. EA-2003-XX
13) (facility name),
14 FACILITY NO. (SWIS #)) PUBLIC RESOURCES CODE
15) (§§45000, 45005, 45011, 44106, and/or
16) 45023), CALIFORNIA CODE OF
17) REGULATIONS, TITLE 14, (§§18304,
18) 18304.1)

19 **TO:** (name of operator), (name of facility), (operator's mailing address), and (name of
20 owner), (property owner's mailing address, if different):

21 **PLEASE TAKE NOTICE THAT:**

22 WHEREAS, the (name of facility) ("Facility"), a solid waste facility, is located at
23 (address/location of facility), California (APN____); and

24 WHEREAS, the California Integrated Waste Management Board ("CIWMB") has
25 authority to act in the capacity of enforcement agency (EA) for this Facility pursuant to Public
26 Resource Code (PRC) §43200 et seq., and is so acting; and

27 WHEREAS, the (name of owner and/or operator) is operating a solid waste facility on
said property without obtaining a Solid Waste Facility Permit ("SWFP") OR the Facility is a solid
waste facility that is permitted to operate pursuant to Solid Waste Facility Permit ("SWFP") No.
(SWIS #), issued on (date); and

1 WHEREAS, this Facility is on the CIWMB's Inventory of Solid Waste Facilities Which
2 Violate State Minimum Standards and must achieve compliance with State Minimum Standards
3 in accordance with the compliance schedule specified in this Notice and Order; and

4 WHEREAS, this Facility is in violation of PRC §44002, which requires every operator of
5 a solid waste facility to acquire a SWFP; and

6 WHEREAS, changes in the design and operation of this Facility have occurred since the
7 issuance of SWFP No. (SWIS #) on (date). Changes include:

8 1. (list the changes)

9 2.

10 3.

11 The above change(s) in design and/or operation constitutes a violation of PRC §44014(b),
12 which requires the operator to comply with the terms and conditions in an approved SWFP.

13 WHEREAS, ongoing violations in the operation of this Facility have been documented
14 since (dates of inspections), which include:

15 1. (cite the applicable regulation, title, and detail/describe each violation)

16 2.

17 3.

18 **THEREFORE, PURSUANT TO PRC SECTIONS 45000, 45011, AND ??, THE (name**
19 **of owner and/or operator IS ORDERED TO:**

20 1. (list the required actions, including date)

21 2.

22 3.

23 4. Comply with all other terms and conditions of the Facility's (date) SWFP.

24 5. Submit the written reports required above, to: Mr. Scott Walker, Acting Deputy

25 Director, Permitting & Enforcement Division, California Integrated Waste Management

26 Board, 1001 I Street, P.O. Box 4025 Sacramento, CA 95812.

1 **PLEASE TAKE NOTICE THAT PURSUANT TO PRC SECTIONS 45011, 45014,**
2 **AND 45023**, if the above actions are not completed or complied with by the specified dates, the
3 CIWMB may:

- 4 1. Petition the superior court for injunctive relief to enforce this Notice and Order. [PRC
5 Section 45014].
- 6 2. Petition the superior court for civil penalties in an amount not to exceed \$10,000 per day
7 for each violation. [PRC Section 45023 and 45024]
- 8 3. Impose administrative civil penalties in an amount not to exceed \$5,000 per day for each
9 day the Facility fails to achieve compliance with the time frames specified above. (PRC
10 Section 45011]
- 11 4. Suspend or revoke the SWEP. [PRC Sections 44305 and 44306]

12 In the event the time frames for completion of the above specified activities cannot be
13 adhered to due to adverse weather or other factors not in the control of the operator, then the EA
14 may extend the time frames based upon those specific factors provided by the operator in writing.
15 Any such extension to the time frames or other amendment to this Notice and Order shall be in the
16 form of an Amended Notice and Order.

17 Failure to remedy the aforementioned violation(s) by the required date(s) may result in
18 the CIWMB expending available funds to perform any cleanup, abatement, or remedial work
19 required under the circumstances set forth in PRC section 45000 which, in the judgement of the
20 CIWMB, is required by the magnitude of endeavor or the need for prompt action to protect
21 public health and safety or the environment. If the CIWMB expends funds to perform any
22 cleanup, abatement, or remedial work, the CIWMB may seek cost reimbursement from the
23 operator or owner pursuant to PRC section 45000(d).

24 Nothing in this Notice and Order shall constitute or be construed as a satisfaction or
25 release from liability for any conditions or claims arising as a result of past, current, or future
26 operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and
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operator may be required to take further actions as necessary to protect the public health, safety, or the environment.

The EA shall not be liable for injuries or damages to persons or property resulting from acts or omissions by the owner or operator or related parties in carrying out activities pursuant to this Notice and Order, nor shall the EA be held as a party to any contract entered into by the owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

This Notice and Order is supported by the accompanying declaration of (name of declarant).

This Notice and Order does not relieve the owner or operator from complying with all other local, state, and federal requirements, nor does it preclude the EA or the CIWMB from taking any and all other actions allowed by law.

This Notice and Order may only be amended in writing by an appropriate representative of the EA.

PLEASE TAKE NOTICE THAT:

1. Pursuant to Title 14 CCR Section 18304(b)(8), the person or entity named in this Notice and Order has the right to appeal this Notice and Order to the Hearing Panel. [PRC Section 44307]
2. A request for a hearing before the Hearing Panel must be filed within 15 days from the date of receipt of this Notice and Order. {PRC Section 44310}

This Notice and Order is issued as of the date set forth below.

Dated: _____

Scott Walker, Acting Deputy Director
Permitting & Enforcement Division
California Integrated Waste Management Board
Acting as the Enforcement Agency for (jurisdiction)

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